



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,667	03/12/2001	Jeffrey K. Dellinger	37168/82320	1994

7590 07/19/2007  
Barnes & Thornburg  
600 One Summit Square  
Fort Wayne, IN 46802

EXAMINER

GREIMEL, JOCELYN

ART UNIT	PAPER NUMBER
----------	--------------

3693

MAIL DATE	DELIVERY MODE
-----------	---------------

07/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Interview Summary

Application No.

09/804,667

Applicant(s)

DELLINGER ET AL.

Examiner

Jocelyn Greimel

Art Unit

3693

All participants (applicant, applicant's representative, PTO personnel):

(1) Jocelyn Greimel.

(3) \_\_\_\_\_.

(2) Bob Gillenwater.

(4) \_\_\_\_\_.

Date of Interview: 13 June 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 17.


Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: E. Greimel and Atty. Gillenwater discussed proposed claim amendments. Atty Gillenwater then faxed additional comments and revisions to the amendments (attached hereto).

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
JAMES A. KRAMER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

**BARNES & THORNBURG**  
btlaw.com

600 One Summit Square  
Fort Wayne, Indiana 46802-3119  
(260) 423-9440

Fax Number: (260) 424-8316

**FAX COVER SHEET**

	NAME	COMPANY NAME	TELECOPY NO.
TO:	Examiner Jocelyn Greimel - GAU/3624	U.S. Patent and Trademark Office	(571) 273-3734

FROM: Bobby B. Gillenwater, Esquire -- CUSTOMER NO.: 23641

DIRECT DIAL: (260) 425-4649

E-MAIL: BGILLENW@BTLAW.COM

DATE: 6/14/07

TIME SENDING: 12:05

NUMBER OF PAGES (INCLUDING THIS COVER SHEET):

IF YOU HAVE DIFFICULTY RECEIVING THIS FAX, PLEASE CALL BARNES & THORNBURG AT (260) 425-4641 AND ASK FOR DIANNE LEATHERMAN

SERIAL NO.: 09/804667  
GROUP ART UNIT: 3624

Response once received: Please deliver immediately.

CLIENT# \_\_\_\_\_  
MATTER# \_\_\_\_\_

- ☐ Original to follow by mail  
☐ Original will not follow by mail

**CONFIDENTIALITY NOTICE:** This message is for the exclusive use of the individual or entity to which it is addressed and is confidential. If you are not the addressee or an employee or agent of the addressee responsible for delivering it to the addressee, please do not read, use, disclose, copy or distribute this message and do not take any action in reliance upon it. If you have received this message in error, please notify us immediately by telephone (collect) to arrange for its return. We do not intend to waive any attorney-client or work product privilege by the transmission of this message.

Indianapolis

Fort Wayne

South Bend

Elkhart

Chicago

Washington, D.C.

June 14, 2007

Examiner Greimel:

My comments regarding the proposed language for Claim 17 are as follows:

The phrase "payments to be paid" in the last line seems awkward to me. Also, this is the first time the term "payments" is used in the claim. I propose that we replace the words "of payments" with the same language used earlier in subparagraph (c) to describe the guaranteed amount. That language is "amounts up to the specified withdrawal rate." Thus, the last subparagraph would read:

if the amount of the withdrawal is greater than the specified withdrawal rate, up to and including the entire account value, there is no guarantee that amounts up to the specified withdrawal rate will continue to be paid for that specified time period.

As for the dependent claims, in my last amendment I amended Claims 23, 24, and 25 to insert the phrase "in accordance with step (c)(2)" in place of the phrase "under the guarantee." In view of the proposed changes to Claim 17, these amendments should be "undone." That is, the phrase "under the guarantee" should replace the phrase "in accordance with step (c)(2)."

Those are my only comments with regard to the proposed claims. With these changes, I am agreeable to the proposed Examiner's Amendment. Please call after you have an opportunity to review this fax.

Respectfully,

Bob Gillenwater

Phone: 260-425-4649